IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 287 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/11/2004 in WP NO : 19206 OF 2004 on the file of the High Court.)

Between:

S.M.K. Ayyavu Gurukkul, S/o. S.M.K. Parasurama Gurukkul,
Sri Kalahasteeswara Temple, Srikalahasti, Resident of Srikalahasti

..... APPELLANT

AND

1 The Joint Collector-cum-Settlement-Officer, Chittor, (Previously Nellore)

2 South Andhra Inthuren Church, Represented by Mr. R. Sundaram, Chairman Board
of Trustees, Church Office : East Mission Compound, Tirupathi - 517 501.

.....RESPONDENT

Counsel for the Appellant:MR.M.V.KRISHNA MOHAN

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: --

The Court at the admission stage made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Notice issued by the Joint Collector-cum-Settlement Officer, Chittoor, calling upon the appellant-petitioner to appear before him in connection with claim for grant of ryotwari patta under Section 11(a) of Andhra Pradesh Act XXVI of 48, was challenged by the appellant by way of filing writ petition. Learned single judge dismissed the writ petition on the ground that nothing prevented the appellant from appearing before the concerned authority and to put forth his case and therefore, the writ petition is mis-conceived.

Having heard the learned counsel for the appellant, we are of the view that no interference is called for with the order passed by the learned single judge dismissing the writ petition. Appellant-petitioner cannot question the issuance of notice by the authority calling upon him to appear before him. Whatever objection appellant has got, it is open for him to put forth the same before the Joint Collector-cum-Settlement Officer, and, in case, appellant would feel aggrieved by the ultimate order to be passed, nothing prevents the appellant from challenging the same in appropriate proceedings in accordance with law.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA,CJ

DATE: 28th February, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1. The Joint Collector-cum-Settlement-Officer, Chittor, (Previously Nellore).

2. Two C.Cs.to the Government Pleader for Revenue, High Court Buildings, Hyderbad. (OUT)

3. Two C.D. copies